Prince Edward Island Legislative Assembly
Report
of the
Standing Committee on Community Affairs and Economic Development

BACKGROUND

The Standing Committee on Community Affairs and Economic Development was requested by the Legislative Assembly

1. to obtain public input on the *Freedom of Information and Protection of Privacy Act*, being Bill No. 81, and
2. provide direction on comprehensive land use planning in the greater Kensington area.

During it's deliberations Mark Gallant of the Department of Community Affairs and Attorney General served as the Committee's legal resource person pertaining to freedom of information and privacy legislation. Officials from the Policy Secretariat presented a proposal pertaining to land use planning in the greater Kensington area. And, the Chair and Chief Executive Officer of the Workers Compensation Board of Prince Edward Island made a presentation in response to that made by representatives of the Injured Workers for the People during the public hearings on Bill No. 81.

The Committee members were

Jim Bagnall, MLA (Montague - Kilmur)
Robert Morrissey, MLA (Tignish - Deblois)
Hon. Kevin MacAdam, MLA (Morell - Fortune Bridge)
Hon. Mike Currie, MLA (Georgetown - Baldwin's Road)
Robert Maddix, MLA (Evangeline - Miscouche)
Elmer MacFadyen, MLA (Sherwood - Hillsborough)
Dr. Herb Dickieson, MLA (West Point - Bloomfield)
Norman MacPhee, MLA (Crapaud - Hazel Grove)
Greg Deighan, MLA (Wilmot - Summerside)
Richard Brown, MLA (Charlottetown - Kings Square)

Our Committee, met on seven occasions (11 February, 12 March, 19 March, 7 April and 23

April, 21 May 1998) to consider the matters referred by the Legislative Assembly, by the Standing Committee on Agriculture, Forestry, and Environment, and, those drawn to our attention by the Injured Workers for People.

The Committee heard presentations from the following groups and individuals,

Fred Gunn and Blair Ross, representing the Injured Workers for People
Harry Holman, Provincial Archivist
David and Jane Johnston of Stratford
Lorraine Robinson, Chair of the Western School Board
(accompanied by Alan Kennedy, Director of Human Resources, and Myles Ellis, Director of Instruction)
Hon. James M. Lee, Chair of the Workers Compensation Board
(accompanied by Howard Jamieson, Chief Executive Officer)

The written presentations made to the Committee and documents relating to the Committee's deliberations are on file in the Office of the Legislative Assembly.

COMMENTS

The Committee had great empathy for the concerns and observations expressed by Jane and David Johnston, however, it felt that their concerns relating to the right of the family to timely information pertaining to the death of a family member would be better addressed outside the *Freedom of Information and Protection of Privacy Act* because of "time frames" contained in the Bill, and to that end have forwarded a copy of their presentation to the Minister of Community Affairs and Attorney General for consideration.

The Western School Board requested that the Legislative Assembly of PEI take this opportunity to "...demonstrate its respect for the privacy of children and the dignity of children by including them specifically in this Bill." The Board went on to request "... a simple, clear, concise provision that information about children can not be used for any other reason than that which enhances the emotional, spiritual, intellectual, and physical well-being of our children - by simply leaving the access of that information clearly out of the public domain, and the public's reach." Our Committee totally agrees with the principles relating to children contained in the Boards statements, but recommends that such should be contained in other provincial statutes, and not the *Freedom of Information and Protection of Privacy Act*, which is administrative system by design and in the Committees opinion should not contain comment on social policy.

RECOMMENDATIONS

1. In relation to Bill No. 81, *Freedom of Information And Protection of Privacy Act*

Our Committees notes that Prince Edward Island is the only provincial jurisdiction that does not have "freedom and privacy" legislation. Further the Committee notes that much of the information (or as referred to in this bill as "records") held by departments, boards, commissions, and agencies in the public sector is currently protected. Some of course is available to the public simply by asking an official in the area that houses the information. Bill 81 provides a system in which public sector information is protected, accessed, collected, corrected, released and made public. Combined with the systems already established for public documents by the Public Archives and Records Office under powers conferred in the *Archives Act*, and by implementing Bill No.81 slowly and deliberately between now and not later than 2001, there should be little if any disruption.

Our Committee advises that there were no compelling objections advanced during it's deliberations to suggest that Bill 81 should not proceed through its various reading stages and be enacted. Administrative matters were highlighted which the Committee understands can be handled. They were the

(i) costs of education and training for staff in the public sector who would be required to provide the information under the system envisaged by the statute, and

(ii) identification of the public bodies that would come under the purview of the statute in the first instance.

Therefore, the Committee **recommends** that Bill 81 be enacted, with the following changes;

1. that all hospital, medical and education bodies be exempted, thus exempting the information held in their systems from the operation of the statute until such time and the departments of the Government of Prince Edward Island are on line with the new procedures and practices envisaged by the statute;

2. that the section 78 proclamation clause be broadened to allow for partial or part proclamations which will stagger the coming into force of the statute; and

3. that the statute be totally operative not later than 2001.

2. In relation to the development of a comprehensive Land Use Plan for the Kensington area

The Committee **recommends** that the Department of Community Affairs and Attorney General be asked to take the lead and consult with residents, communities, and community organizations, such as CIC's and fire departments, and report their findings to this Standing Committee or it's successor as soon as the consultations are concluded.

3. In relation to the concerns expressed pertaining to the Workers Compensation Board process and practices which are confusing "injured workers":

The Committee understands after hearing both the Injured Workers for People and the Chair and the Chief Executive Officer of the Workers Compensation Board that there are two areas of general concern pertaining to injured workers.

The Committee **recommends** that the Workers Compensation Board ensure that,

1. workers wishing to appeal "pre 1995 - old act" decisions of the Board are provided with the same rights pertaining to appeal as are injured workers who are governed by the "post 1995 - new act"; and

2. the process known as "deeming" is re-examined by the Board at the earliest opportunity, and explained in more detail to workers who are affected by this process.

And further, the Committee **recommends** that the Workers Compensation Board work with human resource agencies, schools and colleges that are involved in training and education; the objective being to find employment for people who have been "deemed" for jobs by the Board, that are available on PEI.

Respectively submitted,

Jim Bagnall
Chair
Standing Committee on Community Affairs and Economic Development

22 May 1998